

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY RANGOON

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E.O. 11652: N/A

TAGS: EAIR, BM

SUBJECT: CIVAIR - BILATERAL NEGOTIATIONS

REF: RANGOON 2315

1. DEPT SHARES EMBASSY'S ASSESSMENT THAT IT IS DESIRABLE
RETAIN NEGOTIATING INITIATIVE IN OUR HANDS TO MAXIMUM EXTENT
FEASIBLE, AND THAT PRESENT AGREEMENT BE RETAINED AS BASIC
INSTRUMENT RATHER THAN RELY ON THE NEW BURMESE DRAFT WHICH
WOULD GIVE US PRECEDENTIAL DIFFICULTIES. TO THIS END WE
SUGGEST THAT RATHER THAN AMEND SECTIONS 1 AND 11 OF ANNEX
AS PROPOSED IN REFTEL EMBASSY ENDEAVOR ESTABLISH CONCEPT
THAT ISSUES CAN BE SEPARATED INTO THOSE WHICH REQUIRE FORMAL
AMENDMENT OF AGREEMENT BY EXCHANGE OF NOTES, AND THOSE
SUCH AS SINGLE CARRIER DESIGNATION POLICY WHICH ARE IN
ESSENCE PROCEDURAL AND APPEAR MORE APPROPRIATELY DEALT WITH
IN A MEMORANDUM OF UNDERSTANDING. THIS IS APPROACH WE HAVE
FOLLOWED WITH SOME SUCCESS IN SINGAPORE AND MALAYSIA.

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2. MEMORANDUM OF UNDERSTANDING MIGHT DEAL WITH GUB PRO-
CEDURAL POLICIES USING LANGUAGE ALONG FOLLOWING LINES:

"WITH RESPECT TO THE PROVISIONS OF THE AIR TRANSPORT AGREEMENT WHICH ALLOW THE CONTRACTING PARTIES TO DESIGNATE MORE THAN ONE AIRLINE, IT IS UNDERSTOOD THAT NEITHER PARTY HAS ANY CURRENT INTENTION OF DESIGNATING MORE THAN ONE CARRIER UNDER THE AGREEMENT. IN THE EVENT THAT ONE CONTRACTING

PARTY HAS THE INTENTION IN THE FUTURE TO DESIGNATE ADDITIONAL CARRIERS, SUCH DESIGNATION SHALL NOT BE IMPLEMENTED WITHOUT PRIOR CONSULTATION WITH THE OTHER CONTRACTING PARTY. IT IS FURTHER UNDERSTOOD THAT IT IS THE POLICY OF

THE GUB TO ALLOW THE DESIGNATION OF ONLY ONE CARRIER AND THAT THE USG HAS GRANTED ONLY ONE CARRIER CERTIFICATED RIGHTS TO SERVE BURMA.

"IN ADDITION IT IS UNDERSTOOD THAT THE GUB PROPOSES NO CHANGES IN ITS PRESENT POLICY OF ALLOWING ONE OR MORE US FLAG CARRIERS TO EXERCISE THE RIGHT TO OVERFLY THE TERRITORY OF THE GUB."

3. SHOULD THE GUB INSIST ON LANGUAGE DESIGNED TO PROTECT ITS CARRIERS' OPERATIONS TO NEIGHBORING COUNTRIES THE EMBASSY MAY PROPOSE THE FOLLOWING:

"IT IS FURTHER UNDERSTOOD THAT PRIOR TO THE RESUMPTION OF SERVICES BY THE US DESIGNATED CARRIER, THERE WILL BE CONSULTATIONS BETWEEN THE APPROPRIATE AUTHORITIES REGARDING THE OPERATIONS OF THAT CARRIER ON SECTORS WHICH ARE COMPETITIVE WITH THE BURMESE CARRIER."

4. DEPT RECOMMENDS THAT CHANGES IN ROUTE RIGHTS BE DEALT WITH IN A DIPLOMATIC NOTE WHICH WOULD AMEND THE ROUTE SCHEDULE OF THE BILATERAL AIR TRANSPORT AGREEMENT. FOLLOWING DRAFT TEXT IS NOT YET CLEARED BUT, ON CONDITION THAT IT BE TREATED SOLELY AS A DRAFT, IT MAY PROVIDE A USEFUL BASIS FOR DISCUSSIONS. DEPT PLANS TO OBTAIN NECESSARY AUTHORITY TO SIGN AMENDMENT TO AGREEMENT ONCE SATISFACTORY AGREEMENT REACHED ON DRAFT TEXTS.

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". . . AND HAS THE HONOR TO REFER TO THE RECENT DISCUSSIONS HELD IN RANGOON RELATIVE TO THE EXCHANGE OF ROUTES UNDER THE AIR TRANSPORT AGREEMENT BETWEEN THE TWO GOVERNMENTS SIGNED AT RANGOON SEPTEMBER 28, 1949.

"IN THE DISCUSSIONS THE REPRESENTATIVES AGREED TO RECOMMEND TO THEIR RESPECTIVE GOVERNMENTS THAT THE ROUTE SCHEDULE TO THE AIR TRANSPORT AGREEMENT BE AMENDED TO DELETE MANDALAY AS A SPECIFIED POINT IN BURMA.

"IF THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF THE UNION OF BURMA AGREES TO THE AMENDMENT SET FORTH IN THIS NOTE, I PROPOSE THAT THIS NOTE AND YOUR EXCELLENCY'S NOTE IN REPLY BE CONSIDERED AS AMENDING THE AIR TRANSPORT AGREEMENT OF SEPTEMBER 28, 1949, AND THAT THIS AMENDMENT ENTER INTO

FORCE AS OF THE DATE OF YOUR EXCELLENCY'S NOTE."

5. WHILE IT WOULD CONCEIVABLY BE POSSIBLE TO MAKE MORE SPECIFIC PROPOSALS IN DEFINING THE ROUTE RIGHTS FOR THE U.S. WE ARE RELUCTANT TO DO SO AT THIS STAGE LEST IT GIVE IMPETUS TO BURMESE DESIRES TO DEFINE ROUTE RIGHTS FOR ITS CARRIER. AS WE ARE MOST RELUCTANT TO AGREE TO SPECIFY RIGHTS WHICH WILL NOT BE OPERATED IN THE NEAR FUTURE, AND SINCE US CARRIER HAS NO PRESENT PLANS TO OPERATE TO RANGOON, WE WOULD HOPE THAT PROBLEM OF ROUTE DESCRIPTIONS WOULD NOT BECOME A STUMBLING BLOCK. AGREEMENT LIMITED TO DELETION OF MANDALAY IS INTENDED MEET THAT OBJECTIVE.
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